

**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**

SECTION 504/ADA WORKPLAN

February 2001

I. Introduction

The purpose of this plan is to:

Provide assurance that the State of Alaska Department Transportation & Public Facilities (ADOT&PF) complies with the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990;

Meet all related U. S. Department of Transportation requirements;

Bring together into a single document information on related plans, such as the Self-Evaluation and Transition Plan, and;

Describe implementation roles, responsibilities, and procedures.

The Department will periodically update this plan to reflect changes in organizational structure and responsibilities and any new policies or procedures.

II. Section 504/ADA Policy Statement

It is the policy of the Alaska Department of Transportation & Public Facilities (ADOT&PF) that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). ADOT&PF further assures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source, including FTA, FAA, FHWA, and state funds.

In the event ADOT&PF distributes federal funds to governmental entities, the Department will ensure Section 504/ADA provisions are written into all agreements.

Joseph L. Perkins, P.E.
Commissioner

Date

III. Authorities

Section 504 of the Rehabilitation Act of 1973, as amended. This law states that, "No otherwise qualified individual with a disability in the United States, as defined in Section 706(8), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR § 27 (Non discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance). This regulation states that "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The Civil Rights Restoration Act of 1987. This act defines "program or activity" to mean "all of the operations" of an agency or department of State government receiving Federal financial assistance.

42 USC § 12101-12213 (The Americans with Disabilities Act (ADA) of 1990). This law expands the scope of Section 504 to include all public and private entities, not just those receiving federal assistance. The ADA states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment."

29 CFR § 16.30 (Employment) implements Title I of the Americans With Disabilities Act of 1990 (ADA), requiring equal employment opportunities for qualified individuals with disabilities and is enforced by the federal Equal Employment Opportunity Commission (EEOC).

28 CFR § 35 implements Title II of the ADA, prohibiting discrimination on the basis of disability by Public Services (state and local governments), and covers employment, services, programs, and activities of state and local governments, regardless of funding source.

IV. Organization

A. General

The Manager of the ADOT&PF Civil Rights Office is responsible for ensuring implementation of the Department's Section 504/ADA program. The Manager reports to the Deputy Commissioner.

The Department ADA Coordinator of the Civil Rights Office is responsible for the day-to-day implementation of the Section 504/ADA requirements in all program areas, including MCSAP.

B. Department Coordinator Responsibilities

1. Conduct and periodically update the Department's Self-Evaluation which includes reviewing current policies and practices for implementing Section 504/ADA program.
2. Identify shortcomings in compliance with Section 504/ADA and work with Department personnel to develop remedies where necessary.
3. Evaluate remedial steps taken to eliminate the effects of disability discrimination.
4. Adjudicate appeals of disability discrimination complaint decisions made by the Department's Division ADA Coordinators.

5. Coordinate with, and report to, enforcement bodies such as the U.S. Department of Justice and FHWA.
6. Periodically update, as necessary, ADOT&PF's Section 504/ADA Transition Plan, to bring all Department offices, facilities, and programs into compliance with ADA accessibility guidelines.
7. Assisting and developing solutions for providing reasonable accommodation requested by persons with disabilities.
8. Collect statistical data on disabled employees and participants in Department programs and activities, as required by federal regulations.
9. Prepare a yearly summary of Reasonable Accommodation Requests and Department actions for FHWA Update Report.
10. Develop Section 504/ADA information for dissemination to the general public. Example the "Notice to the Public" as found in Appendix A.
11. Provide technical assistance to the management, and respond to questions from the employees and the public regarding Sec 504 and ADA.
12. Check activities being carried out by various sections, such as Planning, Preliminary Design & Environmental, Right of Way, Contracts, and Motor Carrier Safety Assistance Program (MCSAP) for compliance with Section 504/ADA.

C. Division ADA Coordinator Responsibilities

1. Conduct initial agency review and adjudicate complaint of disability discrimination under Section 504 and/or ADA.

Suggest and coordinate resolution with the appropriate ADOT&PF personnel.

V. Notice to the Public

A copy of the Policy on Discriminatory Treatment of Individuals with Disabilities poster is found in Appendix A. In Appendix B is the memo containing the State ADA Forms and Notices Standards that were developed by the State ADA Coordinator, Office of Vocational Rehabilitation, Department of Education. Appendix C contains the General Procurement Guidelines for Offerers with Disabilities.

VI. Reasonable Accommodation Policy

It is the policy of the Alaska Department of Transportation & Public Facilities to provide reasonable accommodation to any employee who qualifies as an individual with a disability under the Americans With Disabilities Act of 1990 (ADA).

Provision of reasonable accommodation allows for equality of opportunity and full participation by persons with disabilities in ADOT&PF employment.

Reasonable accommodations will be made on a case-by-case basis for qualified persons covered by the Section 504/ADA. It is the responsibility of the individual with a disability to request for an accommodation.

Examples of reasonable accommodations include but not limited to: providing sign language interpreters; making materials available in large print or on audio tape or closed caption video tape; providing listening devices; adjusting examination procedures, training materials, and/or policies; modifying work schedules; acquiring and/or modifying equipment; and making facilities and offices accessible.

A person wishing to request a reasonable accommodation should contact their Personnel Section, or the Department ADA Coordinator. The reasonable accommodation request will be evaluated by the Department ADA Coordinator and the Regional Personnel Office.

VII. Complaint Procedure

The State Of Alaska has an ADA Compliant Procedure which was developed to meet the requirements of State Administrative Order 129. The complaint procedure is found in Title 06 of the Alaska Administrative Code, Chapter 65 (06AAC65). This State Complaint Procedure has been modified by ADOT&PF to incorporate Section 504 with the Civil Rights Restoration Act of 1987. A Copy of the procedure is found in Appendix D of this document.

VIII. Self Evaluation and Transition Plan

A. State Owned and Leased Buildings

In 1993 and 1994 the State of Alaska, in response to ADA regulations within sections 35.105 and 35.105(d) of 28 CFR Part 35, "Non-discrimination on the Basis of Disability in State and Local Government Service", prepared "transition plans" and "self evaluation reports" on nearly 1200 state owned and leased facilities. As required by the regulation, each Transition Plan and facility Self Evaluation Report should specifically addresses the topics of noted deficiencies, anticipated repairs and costs, time schedules, and responsible parties.

This information combined with additional input obtained from the facility's occupants, community residents, and disabled members on the Alaska's "Governor's Committee for the Employment of People with Disabilities", developed a statewide prioritized listing of all state owned and leased facilities. A highly complex and exhaustive database program was utilized in formulating the listing. A simplified summation of the

prioritized list is found in Appendix E. The information provided within the left hand column revealed those facilities which have been funded, designed, scheduled, and for the most part corrected of all ADA deficiencies.

The associated support documentation can be reviewed at the ADOT&PF Headquarters Division of Statewide Design & Engineering Services office at 3132 Channel Drive, Juneau, Alaska.

B. Curb Ramp Installation.

The USDOT, FHWA and the U.S. Architectural and Transportation Barriers Compliance Board (the ACCESS Board) jointly published the "Accessible Right-of-way: A Design Guide" and the "ADAAG Manual". Both document has not been finalized as of November 1999. (ADAAG is Americans with Disabilities Act Accessibility Guidelines).

Until the design standards for pedestrian facilities are finalized and published by the ACCESS Board (in the ADAAG), ADOT&PF will continue its current practice to incorporate accessible pedestrian facilities, including curb cuts, on roads that are being upgraded in some other fashion such as an overlay, channelization, widening, realignment, etc. Once the design guidelines are finalized on the federal level there will be more emphasis towards projects where the primary scope of work is construction and modification of pedestrian facilities.

IX. Employment Practices

A. Recruitment

1. All recruitment practices were reviewed during the 1994 Self-Evaluation and any practices which had the effect of discriminating against persons with disabilities were modified at that time. Examples of modification were

- providing separate medical files and clarifying the “essential job functions” in the position descriptions.
2. All recruitment listings are sent to Department of Education, Division of Vocational Rehabilitation and other resource organizations.
 3. Recruitment announcement and/or State of Alaska application forms indicate that large print and Braille formats are available and include a listing of a TDD telephone number for the hearing impaired.
 4. 2 AAC 07.155(d)3 allows Division of Vocational Rehabilitation to certify severely handicapped individuals to positions at the request of an appointing authority without using a register.
 5. Department of Administration Acquisition Section is fully accessible for persons with mobility impairments, including ground floor access ramps.
 6. The Department is prepared to grant reasonable accommodation requests related to the selection process.
 7. Hiring supervisors and selection panels are advised not to ask any questions which might have the effect of identifying an applicant’s disability.
 8. Once an offer of employment is made, the Department is prepared to offer reasonable accommodations which would allow a qualified individual with a disability to perform the essential functions of the job.

B. Other Employment Practices

1. Employment parking lots include designated disabled parking spaces.

2. Separate medical files are maintained, to ensure that only those persons who have a need to know will have access to an employee's medical information or information about an employee's disability and/or treatment.

X. Communication Policies

The Department is committed to ensuring that communication with person with disabilities is as effective as communication with others.

This commitment is carried out in the following ways:

A. Publications

All publications will be printed in 12 point or larger type. Every publication will include this statement:

Upon request, this publication will be made available in alternative format.

B. Telecommunications

Several text telephones (TDD's) are available at various Department office buildings.

Also, General Communications Incorporated (GCI), a statewide telephone company offers a service called "Relay Alaska" as a public service. Relay Alaska provides operators that relay messages back and forth between a person using a TDD and a person using a voice telephone allowing these two users to converse with each other (see Appendix F).

ADOT&PF employee workstations are connected statewide with a Wide Area Network and inter-office e:mail capabilities. Also, ADOT&PF employees have internet addresses and can communicate with the public at large via e:mail.

XI. Procedures for Ensuring Accessibility For Public Meetings

A. Meeting Notices

Meeting notices are printed in a clear, readable type, with larger print, whenever possible.

All notices are to contain the following statement:

Individuals with disabilities that need auxiliary aids, services, or special accommodation to participate in this public meeting should contact (insert name, phone number, and TDD phone number) no later than (date) to request accommodation.

B. Auxiliary Aids and Services

As indicated above, auxiliary aids and services are available upon request. Aids and services offered include:

- i. Sign language interpreters
- ii. Helpful listening devices
- iii. Written documents available on audio-cassette
- iv. Braille publications
- v. Large print format
- vi. Readers

XII. Emergency Evacuation Procedures

1. Building Specific Evacuation Procedures

In 1998 ADOT&PF developed a building specific emergency evacuation procedures which meet the requirements of the ADA for all of its office buildings. The Employee specific evacuation plans also has been developed for any disabled employee that requests one.

XIII. New Construction Design Standards

All new buildings and pedestrian facilities are designed to comply with the finalized ADAAG design standards and guidelines published by the ACCESS Board.

XIV. Sub-recipient Responsibilities

All sub-recipient agreements include language enforcing the provisions of Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA. ADOT&PF will investigate any discrimination complaint on the basis of Section 504 that is brought to the attention of the Civil Rights Office.

XV. Assurances

Pursuant to the requirement of Section 504 of the Rehabilitation Act of 1973, ADOT&PF, desiring to avail itself of federal financial assistance from the U S Department of Transportation, hereby gives assurance that no qualified person with a disability shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any if its programs, services, or activities.

ADOT&PF further assures that its programs will be conducted, and its facilities operated, in compliance with all of the requirements of 49 CFR 27.

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F